

OLSHAN FROME WOLOSKY LLP 65 EAST 55TH ST. NEW YORK, NEW YORK 10022

## AFFIDAVIT OF SERVICE

Client's File No.:

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKIndex Number: 14 CV 8709  
Date Filed: October 31, 2014

BCM ENERGY PARTNERS, INC.

vs

Plaintiff

BLACK DIAMOND CAPITAL APPRECIATION FUND, L.P. et al.,

Defendant

STATE OF NEW JERSEY, SS.:

The undersigned being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in the State of New Jersey

That on the following date: November 5, 2014, at the following time: 11:30 AM,at 195 MAPLEWOOD AVENUE, MAPLEWOOD, NJ 07040 deponent served the within Summons in a Civil Action, Complaint, Civil Cover Sheet, ECF Rules and Instructions, Individual Practices of Magistrate Judge Gabriel W. Gorenstein, Individual Practices in Civil Cases of Judge Gregory H. Woods☒ Papers so served were properly endorsed with the Index Number and date of filing.Upon: BLACK DIAMOND CAPITAL APPRECIATION FUND, LP.☐ Individual By delivering a true copy thereof to said recipient personally; deponent knew the person so served to be the individual described therein.☐ Responsible Person By delivering to and leaving with \_\_\_\_\_, \_\_\_\_\_ Relationship  
a true copy thereof, a person of suitable age and discretion. Said premises being the defendant / respondent's  
[ ] dwelling place [ ] place of business/employment [ ] last known address within the State. [ ] usual place of abode☐ Mail A copy thereof was deposited in a postpaid, properly addressed envelope, marked "Personal and Confidential" in a depository maintained by the U. S. P. S. and mailed to the above address on \_\_\_\_\_.☒ Corporation LLC / LLP By delivering to and leaving with RAY COMMISSO said individual to be MANAGER  
who specifically stated he/she was authorized to accept service on behalf of the Corporation/Government Agency/Entity.☐ Affixing To Door By affixing a true copy thereof to the door, being the defendant/respondent's [ ] dwelling place [ ] place of business/employment  
[ ] last known address within the State. [ ] usual place of abode☐ Previous Attempts Deponent previously attempted to serve the above named defendant/respondent on:  
1) 11/5/14 at 10:50 AM 3) \_\_\_\_\_ at \_\_\_\_\_ 5) \_\_\_\_\_ at \_\_\_\_\_  
2) \_\_\_\_\_ at \_\_\_\_\_ 4) \_\_\_\_\_ at \_\_\_\_\_ 6) \_\_\_\_\_ at \_\_\_\_\_Description of Recipient Sex: MALE Color of skin: WHITE Color of hair: BROWN Age: 51-65 Height: 5'9"-6'0"  
Weight: 161-200 Other Features: BEARD☐ Witness Fees advanced payment was made.☐ Military Service I asked the person spoken to whether the defendant/respondent was in active military service and received a negative reply. The person spoken with wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations defendant/respondent narrated above. Upon information and belief, I aver that the recipient is not in military service.☒ Other 195 MAPLEWOOD AVE WAS VACANT, SERVED AT 546 VALLEY ROAD, MONTCLAIR NJSworn to before me on 11/5/14William C. Wilks  
Notary Public of New Jersey  
NO. 2333104 LIC  
My Commission Expires 12/1/2016Gino Balodani  
PROCESS SERVER - PRINT NAME BELOW SIGNATURE

PROCESS SERVER LICENSE # \_\_\_\_\_

Work Order # 1405081